

**SUPREME COURT MINUTES  
TUESDAY, NOVEMBER 28, 2006  
SAN FRANCISCO, CALIFORNIA**

**S146870**            C049018 Third Appellate District  
Time extended to grant or deny review to December 29, 2006.

**PEOPLE v. PALMER (REX E.)**

**S146916**            A106142 First Appellate District, Div. 5  
Time extended to grant or deny review to December 29, 2006.

**PEOPLE v. KILGORE (IVAN)**

**S146959**            C049688 Third Appellate District  
Time extended to grant or deny review to January 11, 2007.

**PEOPLE v. MCALEXANDER (MARVIN)**

**S146982**            E041331 Fourth Appellate District, Div. 2  
Time extended to grant or deny review to December 29, 2006.

**PEOPLE v. S.C. (SMITH)**

**S146988**            H029319 Sixth Appellate District  
Time extended to grant or deny review to December 29, 2006.

**V. (ROMAN), IN RE**

**S146997**            B183785 Second Appellate District, Div. 6  
The time for granting or denying review in the above-entitled matter is hereby extended to December 29, 2006.

**PEOPLE v. BRUNER (RONNIE)**

**S147011**            F048662 Fifth Appellate District  
Time extended to grant or deny review to January 4, 2007.

**PEOPLE v. COPELAND (GEORGE E.)**

**S147017**            A108751 First Appellate District, Div. 5  
The time for granting or denying review in the above-entitled matter is hereby extended to December 29, 2006.

**PEOPLE v. COLLIER (TREMAYNE)**

**S147019**            B184661 Second Appellate District, Div. 6  
Time extended to grant or deny review to December 29, 2006.

**PEOPLE v. SANCHEZ (ROBERTO V.)**

**S147026**            A114518 First Appellate District, Div. 3  
Time extended to grant or deny review is hereby extended to December 29, 2006.

**HAYES (WILLIAM) ON H.C.**

**S147029**            H028823 Sixth Appellate District  
Time extended to grant or deny review to December 29, 2006.

**C. (RUBEN), IN RE**

**S147058**            A108772 First Appellate District, Div. 5

**PEOPLE v. MURCIA (ELVIS)**

Time extended to grant or deny review to December 29, 2006.

**S147072**                    B183709 Second Appellate District, Div. 6                    **FININEN (RICK) v. BARLOW (MARK)**  
Time extended to grant or deny review to December 29, 2006.

**S147102**                    E038312 Fourth Appellate District, Div. 2                    **PEOPLE v. CARRILLO (ELEAZAR I.)**  
Time extended to grant or deny review to January 8, 2007.

**S147107**                    H027008 Sixth Appellate District                    **PEOPLE v. MCKEAN (RONALD P.)**  
The time for granting or denying review in the above-entitled matter is hereby extended to January 3, 2007.

**S147128**                    F046177 Fifth Appellate District                    **PEOPLE v. WHITE (ELIJAH)**  
Time extended to grant or deny review to January 8, 2007.

**S147130**                    B193630 Second Appellate District, Div. 1                    **MATHIS (GARY) v. S.C. (SCREEN ACTORS GUILD)**  
Time extended to grant or deny review to January 2, 2007.

**S147136**                    B183523 Second Appellate District, Div. 8                    **PEOPLE v. MURRY (MICHAEL)**  
Time extended to grant or deny review to January 2, 2007.

**S147138**                    E041316 Fourth Appellate District, Div. 2                    **RESVALOSO (DONALD J.) v. S.C. (PEOPLE)**  
Time extended to grant or deny review to January 4, 2007.

**S147151**                    E038309 Fourth Appellate District, Div. 2                    **PEOPLE v. RAMIREZ (JESUS J.)**  
Time extended to grant or deny review to January 8, 2007.

**S147156**                    G035522 Fourth Appellate District, Div. 3                    **PEOPLE v. JAIME (ANTHONY F.)**  
Time extended to grant or deny review is hereby extended to January 8, 2007.

**S147168**                    F051260 Fifth Appellate District                    **TREVINO (ARNOLD) ON H.C.**  
Time extended to grant or deny review to January 8, 2007.

**S147171**                    B182901 Second Appellate District, Div. 3                    **FARM RAISED SALMON CASES, IN RE**  
Time extended to grant or deny review to January 4, 2007.

**S147180**                    C050124 Third Appellate District                    **PEOPLE v. MASSIE (RICHARD A.)**  
Time extended to grant or deny review to January 8, 2007.

**S147189** A098073/A098330/A098910/A104701/A100745 First Appellate District, Div. 1 **MCRAE (MARGIE) v. DEPT. OF CORRECTIONS**

Time extended to grant or deny review to January 8, 2007.

**S147212** C049170 Third Appellate District **PEOPLE v. NIETO (ALEX J.)**

Time extended to grant or deny review to January 9, 2007.

**S147216** C051285 Third Appellate District **PEOPLE v. PRUNTY (LARRY)**

Time extended to grant or deny review is hereby extended to January 9, 2007.

**S147241** D049063 Fourth Appellate District, Div. 1 **MORRIS (LAWRENCE) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 8, 2007.

**S147263** C049653 Third Appellate District **PEOPLE v. GALLOW (LUCRETIA)**

Time extended to grant or deny review to January 10, 2007.

**S147277** E037036 Fourth Appellate District, Div. 2 **PEOPLE v. SMITH (CURTIS E.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 29, 2007.

**S147303** B193852 Second Appellate District, Div. 3 **WILLIAMS (DEPRIEST) ON H.C.**

Time extended to grant or deny review to January 11, 2007.

**S147332** B193545 Second Appellate District, Div. 2 **WARTH (BRIAN) ON H.C.**

Time extended to grant or deny review to January 11, 2007.

**S147419** H029756 Sixth Appellate District **JASSO (JAIME M.) ON H.C.**

Time extended to grant or deny review on the court's own motion is hereby further extended to January 10, 2007. (Cal. Rules of Court; rule 28.2(c).)

**S031641** **PEOPLE v. TATE (GREGORY O.)**

Extension of time granted to January 16, 2007, to file the respondent's brief. After that date, one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy Attorney General Sara Turner's representation that she anticipates filing that brief by March 16, 2007.

**S033901****PEOPLE v. THOMPSON (CATHERINE)**

Extension of time granted to January 25, 2007, to file the respondent's brief. After that date, only three further extensions totaling about 180 additional days are contemplated. Extension is granted based upon Deputy Attorney General A. Scott Hayward's representation that she anticipates filing that brief by July 24, 2007.

**S047867****PEOPLE v. VIRGIL (LESTER W.)**

Extension of time granted to January 12, 2007, to file the appellant's reply brief. After that date, only one further extensions totaling about 60 additional days is contemplated. Extension is granted based upon counsel Manuel J. Baglanis's representation that she anticipates filing that brief by March 2007.

**S049741****PEOPLE v. SUFF (WILLIAM L.)**

Extension of time granted to February 7, 2007, to file respondent's brief.

**S062180****PEOPLE v. VALDEZ (RICHARD)**

Extension of time granted to January 29, 2007, to file the appellant's opening brief. After that date, only one further extension totaling about 43 additional days will be granted. Extension is granted based upon Deputy State Public Defender Raoul D. Schonemann's representation that he anticipates filing that brief by March 12, 2007.

**S066939****PEOPLE v. ALLEN (MICHAEL) &  
JOHNSON (CLEAMON)**

Extension of time granted to December 22, 2006, to file appellant Johnson's reply brief. After that date, no further extension is contemplated. Extension is granted based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing that brief by December 22, 2006.

**S072316****PEOPLE v. GONZALES (VERONICA)**

Extension of time granted to January 16, 2007, to file the appellant's opening brief.

**S074804****PEOPLE v. HARTSCH (CISCO)**

Extension of time granted to February 2, 2007, to file the respondent's brief. After that date, no further extension is contemplated. Extension is granted based upon Deputy Attorney General Felicity Senoski's representation that she anticipates filing that brief by February 2, 2007.

**S075136****PEOPLE v. COVARRUBIAS (DANIEL S.)**

Extension of time granted to January 19, 2007, to file the appellant's opening brief. After that date, only one further extension totaling about 12 additional days is contemplated. Extension is granted based upon counsel Thomas Lundy's representation that he anticipates filing that brief by January 31, 2007.

**S075725****PEOPLE v. JONES (KIONGOZI)**

Extension of time granted to January 29, 2007, to file the appellant's opening brief. The court anticipates that after that date, only four further extensions totaling about 240 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

**S082828****PEOPLE v. THOMAS (CORRELL)**

Extension of time granted to January 16, 2007, to file appellant's opening brief.

**S093754**

**PEOPLE v. BRENTS (GARY G.)**

Extension of time granted to January 29, 2007, to file appellant's opening brief.

**S116882**

**PEOPLE v. BURGNER (MICHAEL RAY)**

Extension of time granted to January 26, 2007, to file appellant's opening brief.

**S136687**

**COOK (WALTER) ON H.C.**

Extension of time granted to December 20, 2006, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Lorena M. Chandler's representation that she anticipates filing that document by December 20, 2006.

**S139510**

**VELASQUEZ (RONALD) ON H.C.**

Extension of time granted. On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to December 8, 2006.

**S140077**

**WALLACE (KEONE) ON H.C.**

Extension of time granted to January 19, 2007, to file reply to informal response to the petition for writ of habeas corpus.

**S140417**

**VILLALOBOS (ABRAHAM) ON H.C.**

Extension of time granted. On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to December 8, 2006.

**S147688**

**VIEIRA (RICHARD) ON H.C.**

Extension of time granted to January 29, 2007, to file informal response to the petition for writ of habeas corpus.

**S120980**

**MONTERROSO (CHRISTIAN) ON H.C.**

Order filed. Pursuant to petitioner's request filed on November 22, 2006, petitioner's exhibits, nos. 153 and 200, are ordered withdrawn.

**S125236**

B164649 Second Appellate District, Div. 4 **PEOPLE v. CHACON (MARIA S.)**

Request for judicial notice granted. Appellant's requests for judicial notice filed on September 10, 2004, and October 8, 2004, are granted. Respondent's requests for judicial notice filed on November 23, 2004, are granted.

**S131664**

C045534 Third Appellate District

**REIGELSPERGER (TERRY) v. SILLER  
(JAMES M.)**

Request for judicial notice granted. Appellant's request for judicial notice filed on October 6, 2005, is granted.

**S145875****SUSPENSION DUES - NONPAYMENT**

Order filed. Due to clerical error on the part of The State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of fees filed on August 22, 2006, effective September 18, 2006, be amended nunc pro tunc to strike the name MICHAEL J. SHELLEY, #51558.

**S148102****BAR ADMISSION 2006 (JULY EXAM)**

General Bar admission order filed.

(See original application for a list of names.)

**S128152****SIMMONS (JAMES M.) ON DISCIPLINE**

Probation revoked. Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and JAMES MICHAEL SIMMONS, State Bar No. 159726, must be actually suspended from the practice of law for one year. Credit toward the period of actual suspension will be given for the period of involuntary inactive enrollment which commenced on September 15, 2006, (Business and Professions Code section 6007(d)(3)). Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146709****DELORETO (JOHN R.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that JOHN ROBERT DeLORETO, State Bar No. 118885, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension recommended by the Hearing Department of the State Bar Court in its Decision filed on June 1, 2006. Credit toward the period of actual suspension must be given for the period of interim suspension that commenced on March 7, 2003. (In re Young (1989) 49 Cal.3d 257, 270.) It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S146727****GOING (JAMES D.) ON DISCIPLINE**

Recommended discipline imposed: disbarred. It is hereby ordered that JAMES D. GOING III, State Bar No. 123649, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. James D. Going III is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146728****HUTCHINS (ROBERT B.) ON DISCIPLINE**

Recommended discipline imposed: disbarred. It is hereby ordered that ROBERT BRUCE HUTCHINS, State Bar No. 136790, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146730****SCHAPIRA (MITCHELL J.) ON DISCIPLINE**

Recommended discipline imposed: disbarred. It is hereby ordered that MITCHEL J. SCHAPIRA, State Bar No. 67427, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146731****ROSS (MARILLA) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that Marilla Lane Ross, State Bar No. 138920, be suspended from the practice of law for two years and until she shows proof satisfactory to the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law as set forth more fully below, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 30 days and until: she files and the State Bar Court grants a motion to terminate her actual suspension under rule 205 of the Rules of Procedure of the State Bar of California; and, if the period of her actual suspension reaches or exceeds two years, she shows proof satisfactory to the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. The State Bar Court is authorized to place respondent on probation for a specified period of time, and respondent is ordered to comply with the conditions of probation, if any, that are reasonably related to the misconduct found in this proceeding and that are imposed on her by the State Bar Court as a condition for terminating her actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that she perform the acts specified in paragraphs (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146736****SHANNON (TERRANCE J.) ON  
DISCIPLINE**

Recommended discipline imposed: disbarred. It is hereby ordered that TERRANCE JAMES SHANNON, State Bar No. 94750, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146738****HERNANDEZ (MAURICIO E.) ON  
DISCIPLINE**

Recommended discipline imposed. It is ordered that MAURICIO ERNESTO HERNANDEZ, State Bar No. 123368, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Mauricio Ernesto Hernandez is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed July 26, 2006, as modified by its orders filed August 18, 2006, and September 18, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles. It is further ordered that if Mauricio Ernesto Hernandez fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S146925****STONE (JOSEPH F.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that JOSEPH F. STONE, State Bar No. 120243, be suspended from the practice of law for three years and until he makes restitution as specified below and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to Mark A. Shear in the amount of \$1,675 plus 10 percent interest per annum from September 13, 2004 (or to the Client Security Fund to the extent of any payment from the fund to Mark A. Shear, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on July 25, 2006; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d



878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146926****ELLIS (MARK C.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that MARK CHRISTOPHER ELLIS, State Bar No. 170295, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for 18 months subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 26, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the next two billing cycles following the effective date of this order. It is further ordered that if the respondent fails to pay any installment within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S146930****CONNOLLY (MATTHEW J.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that MATTHEW JOSEPH CONNOLLY, State Bar No. 145539, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to: (1) Philip Lewis, Jr. in the amount of \$350 plus 10 percent interest per annum from April 20, 2005; (2) Charles and Evelyn Callahan in the amount of \$2,000 plus 10 percent interest per annum from March 28, 2005; (3) Kuppe Nagara in the amount of \$1,000 plus 10 percent interest per annum from July 5, 2005; and (4) Albert Nunez in the amount of \$950 plus 10 percent interest per annum from August 8, 2005, (or to the Client Security Fund to the extent of any payment from the fund to Philip Lewis, Jr., Charles and Evelyn Callahan, Kuppe Nagara and/or Albert Nunez, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on June 9, 2006; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Matthew Joseph Connolly is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146931****SMITHSON (DAVID M.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that DAVID MATTHEW SMITHSON, State Bar No. 118338, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until (1) he obeys the superior court's December 2002 sanctions order by paying the \$500 sanctions imposed on him therein together with interest thereon at the rate of 10percent simple interest per annum from February 1, 2003, until paid; (2) he provides proof satisfactory of such payment to the State Bar's Office of Probation in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed on July 21, 2006, and (3) the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. David Matthew Smithson is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If David Matthew Smithson is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that David Matthew Smithson take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer (see *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) and provide satisfactory proof of his passage to the State Bar's Office of Probation in Los Angeles within that same time period. If David Matthew Smithson is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S146932****JOHANSON (JOHN W.) ON DISCIPLINE**

Recommended discipline imposed. It is ordered that JOHN WILLIAM JOHANSON, State Bar No. 82001, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days. John William Johanson is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 15, 2006. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.